

1 RICHARD DOYLE, City Attorney (88625)
2 NORA FRIMANN, Assistant City Attorney (93249)
3 ARDELL JOHNSON, Chief Deputy City Attorney (95340)
4 SHANNON SMYTH-MENDOZA, Sr. Deputy City Attorney (188509)
5 Office of the City Attorney
6 200 East Santa Clara Street, 16th Floor
7 San José, California 95113-1905
8 Telephone Number: (408) 535-1900
9 Facsimile Number: (408) 998-3131
10 E-Mail Address: cao.main@sanjoseca.gov

11 Attorneys for Defendants

12 THE SEHAT LAW FIRM, PLC
13 Cameron Sehat, Esq. (SBN 256535)
14 18881 Von Karman Ave., Ste. 850
15 Irvine, California 92612
16 Telephone Number: (949) 825-5200
17 Facsimile Number: (949) 313-5001
18 E-Mail Address: cameron@sehatlaw.com

19 Attorneys for Plaintiff

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN JOSE DIVISION

23 LEE DARNELL WATSON,

24 Plaintiff,

25 v.

26 CITY OF SAN JOSE, a government entity;
27 MATTHEW BRACKETT, individually;
28 RYAN HANSEN, individually; RONALD
HUGHES; and DOES 1-10, inclusive,

Defendants.

Case Number: 15-cv-04054-NC

**STIPULATION AND [PROPOSED]
ORDER TO STAY PROCEEDINGS
PENDING OUTCOME OF CRIMINAL
MATTER ; AS MODIFIED**

29
30 **THE PARTIES BY AND THROUGH THEIR RESPECTIVE COUNSEL HEREBY
31 STIPULATE AS FOLLOWS:**

32 1. Plaintiff's Complaint alleges several causes of action arising from an incident
33 occurring on or about October 1, 2014 in San Jose, California. Plaintiff alleges the
34

Defendants used excessive force when taking him into custody. Plaintiff is currently facing criminal charges arising from this incident.

2. Based on the grounds that the pending State criminal charges resulting from the arrest of Lee Darnell Watson are inextricably related to the causes of action in this civil action, the lack of prejudice and reduced burden to the parties, and in the interests of judicial economy and the public, the parties stipulate that the entire civil action be stayed for 90 days. See *Keating v. Office of Thrift Supervision*, 45 F.3d 322, 324-25 (9th Cir. 1995); see also *Federal Sav. & Loan Ins. Corp. v. Molinaro*, 889 F.2d 899, 902 (9th Cir.1989). Specifically, the parties request that the court stay the entire civil action for a 90-day period subject to an extension that will be based on information provided by Santa Clara County District Attorney's Office or Plaintiff's counsel in the criminal matter.

The parties ask the court stay the proceedings for 90 days as Plaintiff's state court criminal case is expected to resolve following the time not waived jury trial set for March 20, 2016. It is anticipated that some form of resolution will occur no later than by April 29, 2016.

Respectfully submitted,

Dated: February 17, 2016

RICHARD DOYLE, City Attorney

By: /s/ Shannon Smyth-Mendoza
SHANNON SMYTH-MENDOZA
Sr. Deputy City Attorney

Attorneys for Defendants

Dated: February 17, 2016

THE SEHAT LAW FIRM, PLC

By: /s/ Cameron Sehat
CAMERON SEHAT
Attorney for Plaintiff

1 I attest that Plaintiffs' counsel has read and approved this document, and given
2 consent to the filing of the same with the Court.

3 Respectfully submitted,

4 Dated: February 17, 2016

RICHARD DOYLE, City Attorney

5 By: /s/ Shannon Smyth-Mendoza
6 SHANNON SMYTH-MENDOZA
7 Sr. Deputy City Attorney

8 Attorneys for Defendants

9 **ORDER**

10 Good cause appearing the Court orders the entire civil action is stayed for a 90-day
11 or further court order. Joint status report due May 20, 2016. Deadline for ENE is extended 150 days.
12 ~~period subject to an extension that will be based on information provided by law~~
13 ~~enforcement or Plaintiff's counsel in the criminal matter. The parties are ordered to return~~
14 ~~to Court on _____ at _____ a.m./p.m.~~

15 Dated: February 17, 2016

